IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.4581 OF 2006

Mrs.Meena Gulab Patil .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.Sudtta Patil for applicant

Mr.Rajesh More, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 22nd December 2006

P.C.

. Heard Mr.Patil for applicant and Mr.More, A.P.P. for State. Applicant is apprehending

arrest in connection with C.R.No.180 of 2006 registered with Badlapur Police Station alleging offence under sections 304B, 306, 498A read with 34 I.P.C.

2. Mother of the deceased Vidya had lodged this F.I.R. Marriage of the brother of the applicant and deceased was solemnised on 12th April 1998. They resided at several places. The deceased committed suicide, it is alleged, on 9th December 2006.

3. Allegations are that the husband of the present applicant had an evil eye as far as deceased is concerned and that applicant had allegedly harassed the deceased along with the other in-laws.

4. None dispute the fact that the present applicant is married and residing separately since 2001. If the allegations in the F.I.R.

are perused as a whole, I do not find any necessity of custodial interrogation, as far as present applicant - woman accused. More so, when she is residing at the address mentioned in the cause title along with her family. Her husband, who allegedly had an evil eye on the deceased has already been arrested. In such circumstances, the applicant woman accused deserves pre-arrest bail. Hence, following order:-

i) In the event of the arrest of the applicant in connection with C.R.No.180 of 2006 registered with Badlapur Police Station, the applicant shall be enlarged on bail in the sum of Rs.10,000/- with one or two sureties in the like amount.

ii) The bail is granted subject to condition that the applicant will attend Badlapur police station as and when summoned, till filing of charge sheet and

thereafter as directed by the Trial Court.

iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/ investigating agency. The applicant shall not tamper with the prosecution evidence.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial

v) This order will enure to the benefit of the applicant only till charge sheet is filed. Thereafter, he will be free to apply to the appropriate court for appropriate relief.

vi) Application is disposed of in above terms.

vii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)